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OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 2001

Addendum

MALI*

[20 February 2002]

* This document contains the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Mali, due on 15 August 1987, 1989, 1991, 1993, 1995, 1997, 1999 and 2001 respectively, submitted in one document. For the sixth periodic report of Mali, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/130/Add.2 and CERD/C/SR.754.

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CONTENTS

		Paragraphs	Page
	Part One		
GENERAL INTRODUCTION			4
I.	SOCIO-ECONOMIC DATA	1 - 12	4
II.	GENERAL LEGAL FRAMEWORK	13 - 29	6
	Part Two		
LEGAL FRAMEWORK OF ARTICLES 2 TO 7 OF THE CONVENTION			
I.	CIVIL AND POLITICAL RIGHTS	30 - 102	9
	A. Article 2	31 - 34	10
	B. Article 3	35	10
	C. Article 4	36 - 54	10
	D. Article 5	55 - 102	15
II.	ECONOMIC, SOCIAL AND CULTURAL RIGHTS	103 - 159	22
	A. Article 6	138 - 143	28
	B. Article 7	144 - 159	29
III.	CONCLUSION	160	32

Annexes*

Annex 1: Constitution of the Republic of Mali.

Annex 2: Human rights agreements ratified by the Republic of Mali.

Annex 3: Act No. 0-1-079 of 20 August 2001 on the Penal Code.

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* These documents may be consulted in the secretariat's files.

Annexes (continued)

Annex 4: General population and habitat census. April 1998. Main results: January 2001.

Annex 5: White book on Mali's "Northern Problem".

Annex 6: Act No. 01-081 of 24 August 2001 on the criminal responsibility of minors and the establishment of juvenile courts.

Annex 7: Report of the National Commission to Study Inter-Country Adoption and Combat Trafficking in Children.

Annex 8: Act No. 01-080 of 21 August 2001 on the Code of Penal Procedure.

Annex 9: Act No. 00-058 of 30 August 2002 on electoral law.

Annex 10: Decree No. CCL97-046 of 25 April 1997 annulling the results of the first round of the legislative elections of 13 April 1997.

Annex 11: Act No. 00-047 of 7 July 2000 on opposition political parties.

Annex 12 4th, 5th, 6th and 7th Democratic Discussion Forums.

Annex 13: Summary table of State convictions at 11 July 2001.

Part One

GENERAL INTRODUCTION

I. SOCIO-ECONOMIC DATA

1. Mali, a West African country situated in the Sahelian region, covers an area of 1,241,238 km^2. Placed at an ethnic crossroads, its population consists of 9,810,912 inhabitants, divided among Muslims (the majority), Christians and Animists. The distribution of the population across the country is very much influenced by natural conditions (i.e. climate, vegetation and relief).

2. The population of Mali is unevenly distributed across the country. According to the results of the general population and habitat census of April 1998, distribution figures show that three quarters of the country's area houses less than 10 per cent of the total population. Population densities vary between 0.4 inhabitants/km^2 in Kidal and 18.2 inhabitants/km^2 in Sikasso. The District of Bamako, the country's largest urban area, holds one tenth of the total population, with a density of 4,032.9 inhabitants/km^2.

3. The country's economy remains dominated by the agricultural sector, which alone employs 83.4 per cent of the working population. With a national poverty incidence estimated at 71 per cent in 1996 (related to a poverty threshold of 102,971 CFA francs), Mali is estimated to be one of the poorest countries in the world.

4. The 1998 general population and habitat census gives the following demographic indicators (annex 4):

- A larger proportion of women (50.5 per cent);
- A very young population (46.1 per cent under the age of 15);
- A low rate of urbanization, with only 27 per cent of the population living in urban areas;
- An illiteracy rate of 84.5 per cent;
- A gross school attendance rate of 57.8 per cent.

5. One of the most pressing questions faced by Mali since its independence has been development, the principle of which is enshrined in article 1 of the International Covenant on Civil and Political Rights in the following terms: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

6. Since 1982, structural adjustment programmes affecting all economic sectors in the country have figured prominently. The objectives of these programmes have included sustainable economic growth, internal and external financial viability, and a speeding up and extension of structural reforms, which have led to substantial reductions in public expenditure (through staff cuts in the civil service and national enterprises and measures for overcoming the crisis).

7. In view of an increasingly difficult social situation and despite the recent improvement in the economic and financial situation, the Government has launched a national poverty reduction programme, which was submitted to development partners in September 1998. The indicative programme budget is estimated at US$ 372.8 million (including 20 per cent or 74.5 million of national contribution) for the five-year period (1998-2002).

8. The programme consists of eight strategic goals, each with its own set of objectives and priority actions:

(a) To improve the economic, political, legal, social and cultural environment for the poor;

(b) To promote income-generating, especially self-employed activities for the poor;

(c) To improve the poor's access to financial services and other production factors;

(d) To promote the development and improve the performance of the agri-foodstuffs industry where many of the poor are concentrated;

(e) To improve the poor's access to education and training;

(f) To promote the poor's access to basic health, nutrition, drinking water and sanitation;

(g) To improve the poor's housing conditions;

(h) To ensure effective coordination of the poverty reduction strategy.

These eight goals are linked to those of existing sectoral policies.

9. Objectives include the restoration of macroeconomic equilibria and improved satisfaction of the poor's basic social requirements; the recognition of problems affecting the poor in legislation and regulations; a lower employment and under-employment rate for young people; a slowing down of rural exodus; improved access for the poor to financial services and inputs and other production factors; more schools in deprived areas; better food and sanitation for poor households; and more resources made available to implement the national poverty reduction strategy.

10. Priority actions have concentrated on reducing the role of the State and increasing that of the private sector, improving technical and vocational training for young people in underprivileged circumstances, supporting the organization of poor producers, building basic training centres in deprived areas, supporting the development of housing cooperatives for poor sectors and strengthening and coordinating the activities of decentralized bodies engaged in local poverty reduction activities.

11. Mali's National Poverty Reduction Strategy paper gives an indication of the results expected:

Indicators	1996 level	2002 level
Poverty incidence	71.6%	60.0%
Life expectancy	58.6 years	60 years
Infant mortality rate	123 per 1 000	111 per 1 000
Sanitation coverage within 15 km radius	34.0%	63%
Proportion of underweight children under 3 years	32.8%	20.8%
Adult literacy rate	23%	47%
Gross school attendance	43.6%	62%
Proportion of population with access to drinking water	48%	70%
GDP growth rate	4.3%	5.1%
Areas developed per year	1 000 ha	6 000 ha
Population growth rate	2.2%	2.1%
Urbanization rate	27.3%	30.9%

12. The preparation and follow-up of the Sustainable Human Development and Poverty Reduction Strategy are placed under the responsibility of the Guidance Committee, the Follow-up Committee, the Executive Secretariat and the Observatory for Sustainable Human Development and Poverty Reduction, established under decree No. 273/PM-RM of 7 October 1996.

II. GENERAL LEGAL FRAMEWORK

13. Since 22 September 1960, when it became independent, Mali has experienced three different constitutional systems, which are described briefly below.

14. Under the late President Modibo Keita, the First Republic adopted a socialist regime, which ended up as a single party system. That situation lasted until the military coup of 19 November 1968, which ushered in a provisional system of special government.

15. The country was then governed by a military junta presided over by Moussa Traoré, which banned all political activity. The Constitution of 2 June 1974, paraded by the junta as a return to normal constitutional rule, merely legalized the special rules under which the country had been governed since November 1968. Although that Constitution provided for the usual republican institutions (such as President of the Republic, Government, National Assembly, Supreme Court, High Court of Justice and Economic and Social Council), it nevertheless established a single governing party, the Democratic Union of the Malian People (UDPM), in 1979, thereby denying political freedom and unleashing successive waves of repression against any democratic leanings. On 26 March 1991, a popular uprising costing many human lives overthrew Moussa Traoré, thus putting an end to years of single party rule backed by the armed forces.

16. The Transitional Committee of Public Safety (CTSP) was set up and, on 31 March 1991, adopted Fundamental Act No. 1, which reaffirmed "the people's determination to institute the rule of law and a pluralist democracy". That constitutional document also expressed the Malian people's belief in human and citizens' rights, as defined in the United Nations Charter, the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. The National Conference held in July and August 1991 as a national reconciliation forum organized the holding of a constitutional referendum.

17. The Constitution of 25 February 1992 (annex 1) adopted as a result of that referendum established the foundations of the rule of law, allowing the expression of freedoms within a democratic system, and ushered in a semi-presidential system of government. The institutions referred to in article 25 of the Constitution include the President of the Republic, the Government, the National Assembly, the Supreme Court, the Constitutional Court, the High Court of Justice, the Supreme Council of the Communities and the Economic, Social and Cultural Council. All these institutions were the outcome of lawful, transparent elections and the Third Republic was finally established on 8 June 1992.

18. The Constitution enshrines the primacy of law and the principle of the separation of powers. This was a positive development which established a clear distinction between the executive, legislative and judicial branches of government.

Executive Power

19. The Executive Power is headed by the President of the Republic, as Head of State, and the Prime Minister, as Head of the Government. The President of the Republic is elected for five years by direct universal suffrage, by majority vote after two rounds of voting. He may stand for re-election once only. He embodies national unity and is responsible for the lawful functioning of the administration. He is the guardian of the Constitution and is the guarantor of national independence, territorial integrity, and the observance of international treaties and agreements (art. 29). The Government is answerable to the National Assembly (arts. 53 to 58) and determines and conducts national policy. It commands the administration and the armed forces and is headed by a Prime Minister, who coordinates government action. The members of the present Government are taken from various political parties and from civil society.

Legislative Power

20. According to article 26 of the Constitution, "national sovereignty belongs to the whole people, who exercise it through their representatives or by way of referendum". The National Assembly represents the legislative power. It operates as a single chamber and is currently made up of 147 deputies from political parties, elected for five-year periods by direct universal suffrage. The electoral law also allows for independent candidates.

21. In Chapter VI dealing with relations between the Government and the National Assembly, the Constitution stipulates that "rules shall be established by law concerning civil rights and fundamental guarantees granted to citizens for the enjoyment of public liberties ...". Thus among its daily occupations, the National Assembly must ensure that due account is taken of human rights in all legislation tabled before it prior to adoption. Furthermore, the members of parliament who are particularly aware of human rights issues instituted a Human Rights Commission in July 1998.

22. The National Assembly may also challenge the Government by means of a vote of no-confidence (art. 78). According to article 79, "if the National Assembly passes a motion of no-confidence or rejects the Government's programme or statement of general policy, the Prime Minister must submit the Government's resignation to the President of the Republic".

Judicial Power

23. Unlike the Constitutions of 1960 and 1974, which recognized only a judicial authority, the Constitution of 25 February 1992 establishes a judicial power. In order to secure the independence of the judicial system, which guarantees the protection of citizens' rights, the Constitution stipulates that "the judicial power shall be independent of the executive and legislative powers". This judicial power, exercised through the Supreme Court and other courts and tribunals, is the guardian of liberties. It "shall guard rights and liberties" and is responsible for "applying the laws of the Republic within its purview" (art. 81). By listing the Supreme Court among the institutions of the Republic, the Constitution grants a special place to the judicial power (arts. 81 and 82) and to the Supreme Court (arts. 25, 37, 83 and 84).

24. As a corollary to the independence of the judiciary, judges may not be removed from office (art. 82). According to this principle, judges may be neither dismissed, suspended, retired early nor transferred by the Government on its own authority, except in certain cases and under specified conditions (such as disciplinary sanctions or service requirements). In accordance with that constitutional provision, Ordinance No. 92-043/P-CTSP of 5 June 1992 governing the magistracy sets out and regulates the guarantees and independence of the judicial power. The Superior Council of the Magistracy, instituted under article 82 of the Constitution and presided over by the Head of State, is alone authorized to decide judges' appointments or transfers.

Judicial, administrative and other authorities with jurisdiction in the field of human rights

25. According to article 85 of the Constitution: "The Constitutional Court shall be responsible for deciding whether laws are constitutional and for safeguarding the fundamental

rights of people and public liberties. It shall regulate the functioning of institutions and the activity of public authorities". Organizational Acts must be submitted by the Prime Minister to the Constitutional Court prior to promulgation. Other types of law may be submitted to the Court by the President of the Republic, the Prime Minister, the President of the National Assembly or one tenth of the deputies, the President of the Supreme Council of the Communities or one tenth of National Councillors and the President of the Supreme Court prior to promulgation. The third major responsibility of the Constitutional Court is to monitor "the proper conduct of presidential and parliamentary elections and referenda, the results of which it shall announce" (art. 86). Matters concerning such elections may be referred to it by any candidate, any political party or any government delegate. By Decree No. CCL 97-046 of 25 April 1997, for instance, the Court annulled the results of the first round of parliamentary elections of 13 April 1997, on the grounds of irregularities during the voting.

26. By virtue of their powers, the courts and tribunals protect the rights of citizens. Courts may be administrative (administrative tribunals and administrative division of the Supreme Court), dealing with disputes between citizens and the State or one of its representations, or judicial (district courts with extended jurisdiction, courts of first instance, appeal courts, labour courts, commercial courts and juvenile courts, and the judicial division of the Supreme Court). Through their judgements and rulings, the courts testify to the fact that the State is subject to the rule of law.

27. The Ombudsman, an independent authority instituted by Act No. 97-022 of 14 March 1997, receives complaints from natural or legal persons regarding the functioning of State administrations, local authorities, public establishments or any public service.

28. The National Advisory Commission on Human Rights, attached to the Prime Minister under Decree No. 96-149/P-RM in an advisory capacity, is responsible for "promoting and disseminating human rights in the Republic of Mali".

29. All observers agree that non-governmental organizations (NGOs) and associations such as the Malian Human Rights Association (AMDH) and the Coordinating Organization for Women's Associations and NGOs (CAFO) contribute to the process of democratization in Mali, not only through their activities in favour of human rights, but also through the proposals they regularly submit to the public authorities with a view to ensuring that human rights are fully taken into account in the preparation of new legislation.

Part Two

LEGAL FRAMEWORK OF ARTICLES 2 TO 7 OF THE CONVENTION

I. CIVIL AND POLITICAL RIGHTS

30. Several treaties and agreements concerning human rights have been ratified by Mali (annex 2). According to article 116 of the Constitution, "treaties and agreements which have been lawfully ratified or approved, once published, take precedence over domestic laws, subject to their implementation by the other party concerned in the treaty or agreement".

A. Article 2

Right to equality and non-discrimination

31. According to article 2 of the Constitution, "all Malians are born free and equal in terms of rights and duties. All discrimination on grounds of social origin, colour, language, race, sex, religion and political opinion shall be prohibited".

32. That provision of the Constitution is confirmed by article 58 of the Penal Code (annex 3), which states that:

> "Any statement or deed which establishes or gives rise to racial or ethnic discrimination, any statement or deed aimed at provoking or maintaining a regionalist intent, any dissemination of news which is detrimental to the unity of the nation or the reputation of the State, any manifestation contrary to freedom of conscience and freedom of worship such as to bring citizens into conflict with each other, shall be punishable by a prison sentence of between 1 and 5 years or optionally prohibition of residence of between 5 and 10 years."

33. The ban on religious, regionalist and ethnic parties is referred to in paragraphs 75 and 76 below.

34. Further relevant provisions are contained in articles 9, 10 and 12 of the Constitution, which provide protection against torture, persecution, inhuman and degrading treatment, and arbitrary arrest and detention, and by articles 29 to 32 and 242 of the Penal Code concerning crimes against humanity, genocide, war crimes and human trafficking. Bearing witness to that commitment, an agreement was signed on 12 February 1999 between the United Nations and the Government of Mali governing the enforcement in Mali of sentences passed by the International Tribunal for Rwanda.

B. Article 3

Condemnation of racial segregation and apartheid

35. The condemnation of racial segregation and apartheid has been a constant feature of the policy, pursued by Mali, which, out of respect for human rights and the rights of peoples, has never maintained relations with a State whose system of government is based on racial discrimination.

C. Article 4

Condemnation of all racial propaganda and organizations that practise it

36. In accordance with the provisions of articles 1 and 2 of the Convention (paras. 5-7) and paragraphs 75 and 76 of this report, article 179 of the Penal Code considers racist behaviour at cultural and sporting events as an offence.

37. It should be remembered, however, that Mali has a population of 9,810,912, of which less than 10 per cent inhabit three quarters of the country (the North). The sedentary population accounts for 99 per cent of the total and the nomadic population for 1 per cent. Although the nomadic inhabitants live in all parts of the country, they are mainly concentrated in the regions of Gao (32.4 per cent), Timbuktu (21.8 per cent), Mopti (11.8 per cent) and Kidal (9.8 per cent), which contain 75.8 per cent of the total nomadic population (annex 4). The contacts resulting from cohabitation on the same land and the complementary nature of stockbreeding and agricultural activities have given rise to links of all kinds (such as matrimonial, cultural or of parentage), leading to a thorough intermingling of nomadic and sedentary populations, the former being related to Whites and the latter to Blacks. In 1985, the population of the northern regions (Gao, Timbuktu and Kidal) was divided into 35 per cent Songhoy, 30 per cent Tuareg, 20 per cent Peulh, 10 per cent Bambara and Bozo and 5 per cent Moors. These ethnic groups and their subdivisions speak more than 20 languages, of which the most frequently used are Songhoy (46 per cent), Tamasheq (33 per cent), Peulh (7.9 per cent), Arabic/Moorish (3 per cent) and Bambara (2.7 per cent). The notion of an ethnic minority is therefore not clear-cut and might apply equally to either white or black socio-ethnic groups or to sedentary and nomadic groups.

38. Despite the successful intermingling of communities in the north, from 1960 to 1994 Mali experienced two Tuareg rebellions, which at times challenged the spirit of national unity. They were due largely to the general state of underdevelopment of the country, which was worse in the north after many years of drought. This problem is extremely complex and touches the very essence of national unity and territorial integrity, but it is poorly understood abroad, where it is misinterpreted as a war between Whites and Blacks, between Muslims and non-Muslims, or between sedentary and nomadic populations. Needless to say, this is an oversimplified view, which betrays great ignorance of Mali's situation, with some critics going so far as to talk of attempted genocide of one community by the other.

39. At any event, peace has now returned to the north of Mali with the signing of the National Pact on 11 April 1992 in Bamako between the Government of Mali and the coordinating office of the Azawad Unified Fronts and Movements (annex 5). The Pact includes seven sections, concerning mainly guiding principles (such as allegiance to Mali's Constitution); a complete halt to hostilities and settlement of issues arising from the armed conflict (such as the incorporation of northern fighters and inhabitants in national uniformed units and public administrations, and the repatriation of 100,000 refugees); the special status of northern Mali (with decentralization, the establishment of a Northern Commission in charge of implementing the National Pact, etc.); and practical action to implement solidarity and national unity, especially through the launch of a special programme for the north of the country. This National Pact in the main has been implemented to the satisfaction of all parties involved in its preparation and implementation.

40. This satisfaction is reflected in the holding of inter-community meetings and the "Flame of Peace" ceremony organized in Timbuktu on 27 March 1996. In the course of this ceremony devoted to the burning of arms used in the rebellion, the leaders of the Azawad United Fronts and Movements and of the Ganda Khoy Movement for the self-defence of sedentary populations,

recognizing that Mali was indivisible, dissolved their organizations and undertook to work together to strengthen national unity and for the economic and social development of the country.

41. The upshot was that the Northern Commission was replaced by the Authority for the Integrated Development of Northern Mali (ADIM). Under of the authority of the Prime Minister, the ADIM aims to complete the implementation of the National Pact and to support local authorities in the programming and coordination of development activities in the northern regions.

Situation of vulnerable groups

42. In the case of vulnerable groups (women, children, the elderly and the disabled), Mali has signed international instruments specifically protecting this category of persons. These instruments include the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, Convention No. 100 of the International Labour Organization (ILO) concerning equal remuneration for men and women Workers for Work of equal value, and the convention on consent to marriage, minimum age for marriage and registration of marriages.

43. **Advancement of Women.** A Commission for the Advancement of Women was set up in 1993 and in 1997 raised to the status of a Ministry in Charge of the Advancement of Women, Children and the Family. Women, who number 4,954,890, make up 50.5 per cent of the population. They are nevertheless considered to be a vulnerable group, whose still unsatisfactory condition arises from several factors, including socio-cultural difficulties. It is pleasing to report, however, that there has been some progress in the involvement of women in the management of public affairs. For instance, the Government now includes 6 women ministers (out of 21 members) and the National Assembly 18 women deputies (out of 147). In addition, there are 12 mayoresses and 3 women ambassadors. Out of the 666 municipal councillors in urban communes, 89 are women, while 1,281 places out of 8,134 rural councillors are women. The Government has moreover adopted a plan of action for the advancement of women (1996-2000) and a national plan of campaign to combat violence against women (starting in 2000). Lastly, a special centre for the detention, re-education and resettlement of women has been set up in Bollé.

44. **Rights of children.** The rights of children are protected in several laws, including the Penal Code, the Marriage and Guardianship Code, Act. No. 00-039 of 7 July 2000 on war orphans, the Family Relations Code, the Labour Code, the Social Welfare Code, the Nationality Code, and the Act on the criminal responsibility of minors and the establishment of juvenile courts. The Penal Code punishes the crimes of paedophilia and child trafficking with prison sentences of between 5 and 20 years (arts. 228-224). On the practical side, a policy of social assistance for children has been introduced. Institutions have been opened to take in children who are either poor, disabled or in difficult circumstances. These include the Malian Association to combat mental deficiencies in children (AMALDEME), SOS Children's Villages, the Bollé Centre for the detention, re-education and resettlement of minors, and La Pouponnière, a reception and family placement centre.

45. For some years, the Government, working alongside development partners, has been preparing a far-reaching National Plan of Action on the survival, development and protection of children. Under the terms of the Plan, Mali has signed a cooperation programme with UNICEF known as Mali-UNICEF 1992-2000. The National Plan of Action pursues the following main goals:

(a) Children's survival, which covers all sectors dealing with children's nutrition and health, based on standard institutions (55 listed health centres, 6 regional hospitals, 3 national hospitals and specialized institutes), the provision of basic medicines, the recruitment of more health service staff, the improvement of social welfare and social development, geographical and financial access to good quality care (on 31 December 1999, 59 per cent of the population lived less than 15 km away from a community health centre), and the fight against disease;

(b) Children's development, with the objective of broadening the base of the educational pyramid and improving the quality of teaching. The gross school attendance rate rose from 32.8 per cent in 1992-1993 to 57.8 per cent in 1998-1999, while the school attendance figure for girls rose from 24.7 per cent to 45.9 per cent over the same period;

(c) Children's protection, thanks to the establishment of an appropriate institutional, regulatory and structural framework complying with the provisions of the Convention of the Rights of the Child, with the creation, rehabilitation and/or renewal of 39 institutions caring for more than 5,568 children in need of special protection; dissemination of the Convention on the Rights of the Child and other instruments; ratification of ILO Conventions Nos. 182 and 138 concerning the worst forms of child labour and the minimum age for admission to employment respectively, and the recent adoption by the Government of draft instruments for the ratification of two Optional Protocols to the Convention on the Rights of the Child (one on the involvement of children in armed conflict and the other on the sale of children, child prostitution and child pornography, adopted by the United Nations General Assembly on 25 May 2000).

46. A "Children's Parliament" was instituted in 1996. Each year, on 16 June, for the commemoration of the Day of the African Child, "child parliamentarians" bring issues concerning the protection of children's rights in Mali to the attention of members of the Government. In 1999, a children's community centre ("Cité des enfants") was created as a contribution to the development of children, through leisure activities, initiation to technology and socio-cultural and sporting activities.

47. The minimum age for criminal responsibility is 18 and juvenile courts (with children's judges, a special division for children at the Appeal Court and an Assize Court for minors) have been instituted (annex 6). According to article 80 of the law on the criminal responsibility of children, minors under the age of 15 may not be held in police custody. From the age of 15 onwards, custody subject to special conditions may not exceed 30 hours.

48. According to the Labour Code, the minimum age for access to employment is 14. A national programme has been launched to combat child labour, with the emphasis on improving the conditions of children working in mines, garages and workshops in the District of Bamako, and on undertaking research into the effects of farm work on the health of rural child workers and related remedial measures. At the same time, a partnership agreement, "Red Card to Child

Labour", was signed on 3 September 2001 between the Organizing Committee of the African Cup of Nations (COCAN) and the International Labour Organization (ILO) represented by IPEC/Mali (International Programme on the Elimination of Child Labour). This agreement, which is aimed at making African public opinion aware of the problem and of the harmful effects of child labour on the occasion of the African Cup of Nations held in January and February 2002, shows that the Malian Government and its social partners are aware of the danger of the abusive exploitation of children.

49. A special word should be said about the *talibés* (Koranic school students) and the *garibous* (beggars). While the Koranic school system, which gave rise to the *talibés*, preceded the theocratic Peulh empire of Macina, there is no doubt that it was the advent and development of the Dina of Sékou Amadou (1818-1862) which eventually created the *garibous*. With the proliferation of Koranic schools and hence the growing need to feed the students involved, families were asked to bring a dish of food to the mosque to give to the *talibés*. This was a form of assistance for the Marabouts in charge of Koranic teaching, on the grounds that parents were responsible for their children's education and should therefore meet the related costs. But this practice, which complied with the spirit of Islam, was diverted, and as the parents were more and more reluctant to contribute aid, the Marabouts took to making the students under their care work instead.

50. According to a study made by the NGO Save the Children UK about the problem of the *garibous* in the region of Mopti, where the *garibous* were concerned, the human rights situation was deplorable. This was due both to the material constraints related to the activity of Koranic students (such as problems of food, lodging, clothing, health care, or the lack of classrooms and teaching materials), and to the limitations of the educational function of Koranic schools. In the *garibous* children, the situation gave rise to attitudes of either painful resignation, resigned acceptance or revolt, which caused many children either to run away or to leave school after one or two years of study. In order to eradicate the phenomenon of *garibous* children, a number of measures have been considered by the Government in partnership with NGOs and associations for the protection of children's rights. These measures range from the provision of income-generating activities (for children old enough to work) to a total ban on the practice.

51. With regard to child trafficking, under the Penal Code the abduction, sale, hire and servitude of children (arts. 241-244) are treated as offences. In view of the seriousness of the matter, the National Commission to Study Inter-Country Adoption and Combat Trafficking in Children, set up under the terms of Decree No. 248/PM-RM of 12 August 1998, submitted major recommendations to the Government (annex 7). An emergency national plan of action to combat trafficking in children for purposes of labour exploitation (2000-2001) is currently being implemented. As part of the plan, a cooperation agreement was signed on 1 September 2000 with the Republic of Côte d'Ivoire. This agreement, the first of its kind in Africa, lays down conditions for the repatriation and resettlement of the victims of child trafficking. Already 500 children have been repatriated to Mali under the scheme in the period 1999-2000.

52. **Elderly and disabled persons.** The Government has introduced measures in favour of the elderly, including care facilities and the construction of a gerontology and geriatrics centre. As part of the drive to provide disabled persons with access to employment, 26 qualified youngsters suffering from disabilities were recruited in April 1997.

53. The major role played by civil society in general, NGOs and women's associations in particular in daily efforts to promote women's and children's rights deserves recognition.

54. The Coordinating Organization for Women's Associations and NGOs (CAFO) has initiated a real national debate on the reform of family law, under the aegis of the Ministry for the Advancement of Women, Children and the Family.

D. Article 5

Right to equality before the law

55. All persons resident in the country, whether Malians or foreigners, are, unless there are legal provisions to the contrary, equal before the law and have the right without distinction to equal protection under the law. The right to judicial recourse is also guaranteed. No one may be deprived of the right to take legal action except under special legal rules and procedures, relating, for instance, to depositions of the Head of State, the Head of Government and representatives of foreign powers (arts. 604-608 of the Code of Procedure) or to proceedings against members of the Government, members of the judiciary, members of parliament and certain officials (arts. 613-625 of the same Code, and art. 75 of the Penal Code). The few exceptions relating to court privileges in favour of these categories of office holders are justified by the sensitive nature of their responsibilities. Act No. 01-082 of 24 August 2001 also provides for legal aid for any indigent person, regardless of the matter at issue (annex 6). Automatic appointment of counsel, which was formerly restricted to the provision of legal aid to minors and assize court cases has been extended to all pre-trial hearings.

56. Any person who considers he is adversely affected by a measure taken in the name of the State or one of its departments may contest the measure before either judicial or administrative courts. In short, the State does not enjoy immunity in the case of violations of human rights.

57. For the specific situation of women and children, the reader is referred to paragraphs 42 to 54 above.

58. There are approximately 4 million Malians living outside the country. This large number is explained not by political reasons but by economic factors and a strong tradition of travel and conquest. Their distribution in 1990, according to the census conducted by the Ministry of Foreign Affairs and Malians Living Abroad, was as follows:

Geographical regions	Numbers	%
Africa	3 631 385	96.5
Europe	102 000	2.7
America	1 705	0.1
Asia	26 550	0.7
Total	3 761 640	100.00

59. There are, however, no Malian refugees living abroad since the coming into force of the National Pact. It may be noted that the Office of the United Nations High Commissioner for Refugees (UNHCR), at the end of its mission to Mali, opened a transit centre for refugees in 1999 in the rural commune of Faragaran (in the south of the country). The centre, which was built by UNHCR out of its own funds, accommodates refugees of various nationalities (Liberians, Sierra Leonians, Angolans, Congolese, etc.), who live on good terms with the local population. The centre is run on a tripartite basis by the UNHCR, the Malian Red Cross and the National Refugee Commission. At 1 October 2001, the number of refugees was 3,671, of whom, 78 were still living in the Faragaran transit centre.

The right to life, safety and security of person

60. Several provisions of the Constitution of 25 February 1992 and the Code of Penal Procedure guarantee personal safety and security.

61. **Safety**. In accordance with article 1 of Chapter 1 concerning human rights, "the human person is sacred and inviolable. Everyone has the right to life, liberty, security and integrity of person". Articles 2, 3, 4, 5, 9, 10 and 12 also contain guarantees against arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment.

62. The death penalty is recognized by law (art. 4 of the Penal Code), but the execution of a pregnant woman must be suspended until delivery and that of a nursing mother after weaning (art. 11 of the Code of Penal Procedure). It should, however, be pointed out that since 1979 no execution has been carried out in Mali. Under the Third Republic, death sentences have been commuted to imprisonment for life or a stated period by the Head of State in virtue of his right of pardon under article 45 of the Constitution.

63. Presumption of innocence and the right to defence, including the right to defence by counsel of choice starting from pre-trial proceedings, are guaranteed under article 9 of the Constitution. Furthermore, under the new Code of Penal Procedure, which replaces pre-trial detention by provisional detention in the case of correctional offences, a detention warrant must not exceed six months, renewable once subject to an order by the examining magistrate giving reasons. For criminal offences, the duration of the warrant is one year renewable not more than twice.

64. **Security of persons.** "No one shall be subjected to torture or inhuman, degrading or humiliating treatment" (art. 3, para. 1, of the Constitution). Furthermore, "anyone subjected to a custodial penalty shall be entitled to be examined by a doctor of his choice" (art. 10, para. 1, of the Constitution).

65. The above constitutional provisions are based on the Universal Declaration of Human Rights, the African Charter on Human Rights and Peoples' Rights of 24 June 1991, ratified by Mali (order No. 8 of 29 October 1981), and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1995.

66. They have also been incorporated in the Penal Code, which defines torture as "any act by which pain or acute physical or mental suffering are intentionally inflicted ...". The Penal Code provides for punishment for torture by imprisonment of from 1 to 5 years, of 5 to 10 years if the acts of violence resulted in mutilation, amputation, etc., or by the death penalty if they resulted in death (art. 209). Accordingly, any person arrested or imprisoned must be treated in such a way as to preserve his dignity and protect his physical and moral integrity.

67. In correctional or criminal cases, the examining magistrate may remand the accused in custody in accordance with a substantiated order or place him under judicial supervision; in the latter case, the order does not need to be substantiated, and is not subject to appeal (arts. 122-147 of the Code of Penal Procedure).

68. Whatever the offence concerned and at any stage of the procedure, release with or without judicial supervision may be ordered by the examining magistrate on application of the accused or his counsel, or upon order of the prosecution, or proprio motu (arts. 148-185).

69. It should be added that the Prison System Act requires prison personnel to treat detainees with humanity and respect for their fundamental rights. For that reason the Ministry of Justice has undertaken a major overhaul of the prison system to humanize conditions. Reintegration and rehabilitation are the guiding principles of the new prison policy. As one part of its implementation, a specialized body of warders has been set up, better qualified to achieve the planned humanization of detention centres. Prisoners awaiting trial and those convicted are kept apart, in the Malian prison system. The same goes for adults and minors, and a specialized detention, re-education and reintegration centre has been built for the latter.

70. Article 71 of the Penal Code imposes criminal sanctions on officials of the prison system found guilty of arbitrary detention (six months' to two years' imprisonment and a fine of between 20,000 and 240,000 francs), and on anyone who, without order by the public authorities and except for cases in which arrests are laid down by law has arrested, detained and illegally confined any person (art. 237).

71. The Code of Penal Procedure (annex 8) provides that the judicial police responsible for establishing infractions of the penal law, collecting evidence and bringing perpetrators to justice, shall operate under the direction of the Public Prosecutor, the supervision of the Attorney-General, and the scrutiny of the Chamber of Prosecution, through duly authorized officers, officials and agents (art. 31).

72. For the purposes of an investigation, the Code (art. 76) authorizes a judicial police officer to hold any person, with the exception of minors, at his disposal for a period of 48 hours. This period of custody may be prolonged by 24 hours on written authorization of the Public Prosecutor. In all cases any person suspected, prosecuted or charged is to be presumed innocent until his guilt has been established, and has the right to be informed of the charges brought against him and to be assisted by counsel.

73. It should be noted that the Minister of Justice (*Garde des sceaux*) has expressly instructed attorneys-general, public prosecutors and justices of the peace systematically to subject police, *gendarmerie* and prison services to strict supervision in order to stop all forms of human rights abuses.

74. Lastly, the provisions of the Code of Penal Procedure (annex 8) concerning defence rights (arts. 103-108, 110, 112, 128, 135 and 136) must be observed, failing which the indictment and subsequent procedure may be invalidated.

The right to vote

75. Article 50 of Act No. 00-45 of 7 July 2000 on the Charter of Political Parties lays down limits to the action of political parties expressly prohibiting them from:

(a) Breaching security and public order, or infringing individual and collective rights and liberties;

(b) Setting up military or paramilitary organizations;

(c) Constituting and organizing themselves on an ethnic, religious, linguistic, regionalist, sexist or vocational basis.

The last-mentioned prohibition should be seen less as a restriction on the legitimate wish of ethnic groups to maintain their identities than as an affirmation of the Malian people's determination to consolidate national unity without detriment to the cultural and linguistic diversity of the national community.

76. Political parties and associations are aware of this situation, as is illustrated by the holding of the national week of arts and culture, and the re-emergence of cultural associations (*Peulh, Dogon, Bobo ...*) and of discussion and dialogue groups concerned with the development of the different localities and regions of the country.

77. As an independent, sovereign, indivisible, democratic, secular and social republic, Mali is based on the principle of government of the people, by the people, for the people. Article 26 of the Constitution, for example, provides that "national sovereignty belongs to the whole people, who exercise it through their representatives or by way of referendum. No fraction of the people and no individual may claim that exercise". Article 27 provides for universal, equal and secret voting, and article 28 highlights the role of political parties, which give expression to the vote subject to respect for national sovereignty, democracy, territorial integrity, national unity and the secular nature of the State.

78. Mali has promulgated an electoral law (annex 9), adopted by consensus by all political parties, majority and opposition alike. The entitlement to vote depends essentially on nationality and age (over 18 years), the enjoyment of civil and political rights, and residence. To become a member of the National Assembly, a communal council or society, or the Regional Assembly,

the same conditions apply. To be a candidate for the presidency of the Republic, in addition to residence, Malian nationality of origin and age over 35 years are required, as well as enjoyment of civil and political rights. No condition of race, colour, or religion is required to qualify for an elected post or public office.

79. The electoral law also lays down a number of rules, which are set out below.

80. **Equality between political parties in elections.** Candidates, political parties and coalitions may make use of State media (radio, television, and the press) in their campaigns. The Equal Access to State Media Committee ensures equal access to State media for all.

81. **Transparency of electoral procedures.** The electoral law contains a number of provisions for ensuring the transparency of electoral procedures. They relate particularly to the establishment of the Independent National Electoral Committee (an independent body responsible, through its regional and local offices, for supervising election and referendum operations), of the General Delegation for Elections (whose purpose it is to maintain the electoral roll and manage public aid to parties), and of an inter-ministerial committee responsible for the preparation and organization of elections.

82. Provision is also made for an annual revision of electoral lists by administrative committees, scrutiny of voting operations by representatives of the candidates and parties, the imposition of penalties in cases of fraud, and for appeals against suspected irregularities.

83. In spite of these safeguards, the election campaigns of 1997 were rife with incident. In particular, numerous cases of fraud due to poor organization and errors in electoral lists were found, which led the Constitutional Court to nullify, by Decree No. CCL-97-046 of 25 April 1997, the results of the first round of legislative elections of 13 April 1997 throughout the entire national territory (annex 10). That courageous decision, unique in the history of Mali, was welcomed by politicians and by public opinion.

84. After this setback, electoral lists were reviewed. However despite remedial action by the courts, some parties, under the banner of a coalition of opposition parties, called for a boycott of presidential and legislative elections. The boycott occasioned violent political demonstrations, which led to a number of deaths and the arrest and conviction of many opposition militants, who, for the sake of a peaceful political climate, were subsequently granted a presidential pardon. It was precisely because of such displays of violence that leaders of opposition parties were arrested, charged and released on bail by independently acting magistrates.

85. Most political parties did, however, participate in the communal elections of 1998 and 1999, which saw the emergence of 684 new communes in addition to the 19 already existing in conformity with article 98 of the Constitution, which states that "local authorities are to be governed freely by councils elected in accordance with the law". To meet the development needs of local government, a National Investment Agency for Local Authorities (ANICT) has been established to mobilize internal and external resources for the financing of development programmes.

86. Political parties are formed and exercise their activities freely. In practice, the exercise of that freedom is not obstructed. This is attested by the fact that at the present day more than 60 political parties are legally recognized. Their activities are governed by the Charter of Political Parties and the Political Opposition Act (annex 11).

Freedom of the press and freedom of expression

87. These freedoms are enshrined in articles 7 and 4 of the Constitution. Details are given in the following paragraphs.

88. **Freedom of the press.** The law governing press activities and offences provides the legal framework for press freedom in Mali. At present, in addition to the official press, there are some 30 independent newspapers and some 100 independent FM radio stations. Press freedom for political parties is also recognized by article 36 of the Charter of Political Parties (Act No. 00-45 of 7 July 2000), which states that "parties may exercise their press activities freely".

89. At the national level, the body governing communications is the Higher Council on Communication, which is "to be consulted before the adoption of any regulatory measure on the organization of written and audio-visual communication activities". The Council also regulates the allocation and withdrawal of frequencies for radio stations and submits an annual report to the Government on the national media situation.

90. The press as a whole faces some difficulties, due particularly to insufficient resources and lack of professional training. Being aware of these shortcomings, the Government has, since 1994, established a press-aid fund managed by the corporation itself. A recently established press observer unit will undoubtedly prove of great educative value in the future.

91. Anyone wrongfully attacked in a press article has the right to demand the right of reply, or to sue the publication through its editor and the author of the article concerned. The most recent case occurred in April 2001, bringing the Autonomous Federation of Magistrates into dispute with the Director-General of Mali Radio and Television and the Chief Mayor of the District of Bamako.

92. Only one case of violation of press freedom has been reported since the proclamation of the Third Republic. In 1997, some journalists were roughly treated during a police operation on the day after the lynching of a police officer. This action was at once vigorously condemned by the Government and the National Police Federation, which apologized to the press.

93. **Freedom of expression.** The Constitution lays down in article 4 the principle of freedom of opinion and expression. The Democratic Discussion Forum (EID) is the best example of the effective exercise of this freedom (annex 12). Mali is in fact the only country of the West African subregion, or even of the African continent, since 1994, to have launched such a democratic communication forum. On the occasion of the forty-sixth anniversary of the Universal Declaration of Human Rights, the Government, on its own initiative, opened a forum, in which a reasonably representative sample of Mali society can publicly question government ministers on the national radio and television on all subjects concerning the life of the nation,

particularly human rights issues. One of the purposes of the EID is openly and transparently to inform national and international opinion on the human rights situation in Mali in relation to action undertaken or planned and any complaints that may have ensued. It was institutionalized by Decree No. 159/P-RM of 31 May 1996.

94. On conclusion of each session of the EID, which is held each year on 10 December, a panel of national and foreign personalities makes recommendations to the Government with a view to achieving increasingly effective protection of human rights. The implementation of the recommendations is then assessed by the panel prior to the opening of the following session.

Freedom of association, assembly and demonstration

95. This freedom is guaranteed under article 5 of the Constitution in the following terms: "The State recognizes and guarantees in the conditions prescribed by the law ... freedom of association, assembly, procession and demonstration."

96. **Freedom of association.** Freedom of association is a reality in Mali. There are only two basic conditions for authorization: the lawful purpose of the association and its non-ethnic or regionalist character. As at present, approximately 12,000 associations are registered with the Ministry responsible for territorial administration.

97. **Freedom of assembly and demonstration.** The rights to freedom of assembly, procession and demonstration are also effective in Mali. They are primarily governed by order No. 36/PCG of 28 March 1959, and secondarily by the Charter of Political Parties. According to order No. 36/PCG (art. 6, paras. 1 and 2), advance notice must be given to the administrative authority (mayor, prefect or sub-prefect) by the organizers of a demonstration held on the public highway (procession, march or assembly of persons). This advance notice, signed by three organizers of the demonstration, must be submitted a clear 24 hours at least and 8 days at most before the date of the event.

98. The limits imposed on freedom of demonstration arise chiefly from a concern for public order. The mayor, the representatives of the State (prefect, sub-prefect or high commissioner) and, in final resort, the Minister responsible for territorial administration, may ban a demonstration if it is likely to disturb public order. The decision to ban must be immediately notified to the organizers. The administrative authority also has the power to stop any procession, parade or gathering on the public highway and in public places if the maintenance of public order so requires. It may, after issuing a warning, intervene to disperse and forbid any demonstration which is becoming disorderly. A warning may not, however, be required "in cases where violence or physical attacks occur against law enforcement officials or if the latter cannot adequately defend their positions or the stations for which they are responsible".

99. It should be noted that, during 1997, excesses did occur in connection with some demonstrations, leading to arrests and casualties among both demonstrators and the police forces.

Freedom of thought, conscience and religion

100. This is a right under article 4 of the Constitution. Several races and religions co-exist peacefully in Mali, which is a secular Republic. The Muslim religion is the most widely practised, followed by Christianity and Animism. All are freely practised according to various rites, ceremonies, teachings and services. Harmony has prevailed essentially because the followers of the various religions and beliefs very soon realized that civil rights are based on citizenship, not race or religion. For that reason, no mention of religion or race is made on the birth certificates, or on the identity and travel documents of Malian citizens.

101. Furthermore, the Penal Code, under article 58, prohibits all acts infringing freedom of thought, conscience and religion: "Any manifestation contrary to freedom of conscience and freedom of worship such as to bring citizens into conflict with each other shall be punishable by a prison sentence of between 1 and 5 years, or optionally from 5 to 10 years' prohibition of residence."

102. It should be added that, in addition to the rights mentioned above, the Constitution recognizes and guarantees, as civil and political rights, freedom of movement and free choice of residence (art. 5), inviolability of privacy, confidentiality of correspondence (art. 6), freedom of artistic and cultural creativity, and the right to own property (art. 13). Any violation of these provisions is punishable under the Penal Code, which, particularly (art. 65) punishes any public servant acting arbitrarily or infringing individual freedom and civil rights with forfeiture of those rights.

II. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

103. Various treaties and agreements relating to economic, social and cultural rights have been ratified by Mali (annex 2).

The right to work

104. Article 19 of the Constitution stipulates the following:

> "The right to employment is recognized and shall be equal for all. Every citizen has a duty to work, but may not be restricted to specific employment except if engaged in providing a service of exceptional public utility, on an equal basis for all in accordance with the conditions prescribed by law."

This constitutional provision, which is consistent with the spirit of ILO Conventions No. 29 on forced labour and No. 105 on the abolition of forced labour, is reflected in the Labour Code and collective agreements in the private sector, general civil service rules and various individual or independent regulations governing public service employees.

105. Within the framework of respect for the right to work without discrimination, the Government has taken concrete steps to guarantee equal access to employment for all social classes, in particular the most underprivileged. Thus 26 qualified disabled persons were recruited on favourable terms to public service posts in April 1997. Similarly, the Civil Service Department has established a procedure for collecting data specifically related to disabled graduates and for informing private sector employers regarding the vocational qualifications and skills of these types of workers.

106. Furthermore, in order to assist workers taking voluntary early retirement, the Government has provided the Association of Voluntary Early Retirees with a 500 million CFA francs fund to underwrite loans taken out by retirees with banking institutions to finance projects.

107. At the legislative level, among other measures for the protection of workers against arbitrary action by employers, a new Labour Code was published in 1992. This Code and various associated statutes incorporate the principles of equity, non-discrimination, equal pay for equal work, and just and favourable remuneration contained in the Universal Declaration of Human Rights and the various ILO conventions ratified by Mali.

108. The Code also reinforces the legal protection of workers, particularly through the prohibition of arbitrary dismissal, the right to paid holidays, the consolidation of social dialogue, cost-free resort to litigation on social issues, and the right to social security.

109. This protection for workers is further reinforced by the Penal Code, articles 132 and 133 of which prohibit any infringement of the freedom of recruitment and work, as well as forced labour.

The right to form and join trade unions and the right to strike

110. Union rights are guaranteed under article 20 of the Constitution as follows: "Trade union rights are guaranteed. Trade unions shall perform their activities without constraint or limit other than those prescribed by law." The same guarantees are given in article 21 regarding the right to strike.

111. Various provisions of the Labour Code protect union rights. For example, article 306 "prohibits any employer from taking membership of a union or union activity into consideration in reaching decisions regarding recruitment, the performance and distribution of work, vocational training, promotion, remuneration, the granting of social benefits or measures of discipline and dismissal". In public services, exercise of the right to strike is regulated by Act No. 87-47/AN-RM of 10 August 1987.

112. With regard to the employment situation, the gross employment rate, i.e. the proportion of persons of 16 and over having worked or sought employment out of the total population, amounts to 41.4 per cent (54.9 per cent for men and 28.2 per cent for women).

113. The working population consists of employed and unemployed workers. In 1998, Mali had 4,060,639 workers, of whom 4,032,973 were employed and 27,666 unemployed, equivalent to an employment rate of 99.3 per cent, and an unemployment rate of 0.7 per cent.

Unemployment affects men (0.8 per cent) more than women (0.5 per cent) who account for 69.4 per cent of the unemployed. The establishment of, among others, the National Employment Agency (ANPE), the Support Fund for Vocational Training and Apprenticeship (FAFPA) and Training and Enterprise Support Units (UFAE) reflect the Government's stated policy of taking effective action against unemployment in general, and youth unemployment in particular.

114. Economic activity in Mali is largely dominated by the primary sector (83.4 per cent of the working population). Besides an emerging secondary sector (4.1 per cent), the country has a relatively large tertiary sector (12.5 per cent). Independent workers account for the majority of the employed working population (47.8 per cent), followed by unpaid family workers (45.8 per cent), where women are in the majority (62.8 per cent). Men, on the other hand, represent the majority of independent workers (55.8 per cent). Furthermore, among paid workers, there are more men than women, with men representing 75.6 per cent of all salaried workers (annex 4).

115. The right to work, trade union rights and the right to strike are the same for all without any racial discrimination. Following the general strike that led to the fall of the Second Republic on 26 March 1991, trade unions have played a very important role in the establishment of democracy in Mali. There are at present 12 national unions affiliated to the National Union of Workers of Mali (UNTM), which is flanked by the Trade Union Confederation of Malian Workers (CSTM) and a plethora of independent trade unions, such as the magistrature, national education and territorial administration.

The right to housing

116. The right to housing is recognized by article 17 of the Constitution. In furtherance of that right the National Housing Strategy was adopted in 1995, leading to a number of major institutional measures, including the establishment of the Habitat Bank of Mali and the Malian Housing Office. Thanks to these two institutions, an increasing number of developers are helping to meet the enormous demand for housing. To reduce the costs of construction, which at present are exorbitant, the National Housing Strategy is placing more emphasis on the use of local building materials and schemes that are suited to the socio-economic conditions of the great majority of citizens, such as housing cooperatives.

117. It appears that almost all Malian households (95.3 per cent) live in fixed dwellings. With regard to type of occupation, 62.4 per cent of households are owner-occupiers, of whom 2.4 per cent hold title deeds. Hire purchase is used by less than 1 per cent of households.

118. Three quarters of households live in communal buildings ("concessions") and 17 per cent in detached premises. A negligible proportion (0.9 per cent) live in modern villas. More than four out of five households use kerosene lamps for lighting, and only 5.9 per cent have electricity (annex 4).

119. Basically, the right to housing, i.e. access to decent housing, whether owned outright or rented, is not construed as an obligation for the State to provide houses for all, but rather as an obligation to create conditions under which any discrimination in access to housing is avoided. And that is a reality in Mali, even if, in the light of the above figures, major efforts are still needed.

The right to health, medical care, social security and social services

120. Article 17 of the Constitution recognizes the right to health and social protection.

121. **Health.** The Government's sectoral health and population policy based on primary health care and on the Bamako Initiative ensures access for its citizens to the highest possible standard of health. This policy is at present being implemented through the Ten-Year Health and Social Development Plan 1998-2007, currently in its first phase as the Five-Year Health and Social Development Programme 1998-2002.

122. With regard to the provision of services, more than 63 per cent of the population live less than 15 kilometres away from a health centre that offers minimum facilities for dealing with most local health problems, more serious cases being referred to a higher level.

123. The adoption of an essential medicines policy using the International Non-proprietary Names (INN), of pharmaceutical products and a master list of essential medicines has made it possible to keep even the most remote centres permanently supplied with generic medicines at affordable prices. Traditional medications and practices, and the manufacture of improved traditional remedies to increase health-care coverage have been expanded.

124. The situation continues, however, to give grounds for concern. By way of example we may cite the following figures:

(a) Maternal (505 per 100,000) and infantile (111 per 1,000) mortality remains high, and practices harmful to the health of women and girl children persist;

(b) One child out of three between 12 and 23 months suffers from acute malnutrition;

(c) Almost 91 per cent of women aged between 15 and 49, or 9 out of 10 of the female population, have suffered genital excision; yet 75 per cent of women favour continuation of the practice;

(d) The statistical yearbooks of the National Department of Public Health for 1992-2000, and the activity reports of the National Immunization Centre show that the vaccination rate for children up to the age of 11 months has evolved as follows:

Antigen	1992	1993	1994	1995	1996	1997	1998	1999	2000
BCG	70	77	67	79	79	60	90	69	73%
DTPP1	65	77	63	76	79	58	90	69	76%
DTPP3	33	46	39	48	53	41	65	50	52%
Measles	35	51	46	51	57	44	70	51	53%

As far as poliomyelitis is concerned, more than 98 per cent of children under 6 have been vaccinated thanks to the national vaccination days, which are increasingly combined with administration of vitamin A.

125. To deal with the above health situation, the Ten-Year Plan 1998-2007 and the Five-Year Health and Social Development Programme 1998-2002 were adopted by the Government and its partners in 1998. The plan and the five-year programme have the following priority objectives:

(a) To ensure geographical and financial access to quality social and health services;

(b) To reduce morbidity and mortality related to certain priority diseases;

(c) To promote national solidarity, in particular in favour of the least privileged and most vulnerable groups;

(d) To promote the development of communities with their own participation;

(e) To raise the level of performance of health and social services;

(f) To ensure equitable, sustainable financing of health and social systems.

126. **Social security.** With regard to the right to social security, there are three social security systems in Mali: the State system, some of whose benefits are drawn from the Mali Retirement Fund, and the systems of the National Institute for Social Providence and Insurance Companies. Family allowances, retirement pensions, sickness benefits, prevention of and compensation for workplace accidents and occupational diseases are assured for all workers without distinction of race or religion.

127. The adoption of laws on mutual benefit and cooperation have led to the rapid growth of mutual benefit and cooperative movements, which have very effectively supplemented efforts to ensure social security rights.

The right to education and the right to vocational training

128. The right to education and the right to vocational training are exercised in accordance with constitutional provisions free of any racial discrimination; they are analysed below.

129. **The right to education.** In accordance with article 18 of the Constitution, "every citizen has a right to education. Public education shall be compulsory, free and secular. Private education is recognized and must be carried out in accordance with the conditions prescribed by law". The difficulties of giving effect to this right are generally related to those otherwise experienced by the State, already severely hit by several years of structural adjustment, and to widespread poverty among the population. Whereas all Malian children have a legal right to attend schools, in actual fact the available school buildings and teachers are insufficient to cater for all children of school age, despite the efforts made by successive Governments of the Third Republic.

130. Education in Mali was in crisis throughout the decade 1991-2001 for reasons relating, inter alia to obsolete and inadequate facilities, the low-level of school grants, a shortage of teachers, and the restructuring of the teaching profession. Since the beginning of the 2001-2002 school year, there has, however, been some easing in the situation, thanks to the efforts of the Government (see paragraph 151 below) and the cooperation of the Malian Human Rights Association and the Federation of Parents' Associations.

131. The Government and civil society have conducted a forum and the National Assembly and the Economic, Social and Cultural Council have held special sessions to discuss the education problem, leading to the launch of the Ten-Year Programme for Education Development for the period 1999-2008 (para. 150 below). The main lines of this programme are laid down in Act No. 99-046 of 28 December 1999 on education policy.

132. **The right to vocational training.** Vocational training, which is covered by the Labour Code and Civil Service regulations, and which is a right of workers and civil servants, mainly takes the form of seminars, basic and advanced courses and the granting of training leave.

The right to participate on equal terms in cultural and sporting activities

133. Freedom of artistic and cultural creativity is recognized and guaranteed in the Constitution (art. 8).

134. Mali hosted the final round of the African Nations Football Cup in January and February 2002. The event was seen by the public authorities and the population as both a development project and a celebration, which should not be spoiled by any act of chauvinism, xenophobia or incitement to violence. Being aware of the need for them to contribute to the success of such a major event, all the media (public and private, press and audio-visual) launched a vast information, education and communication campaign to ensure that the virtues of *djatiguiya,* i.e. Malian hospitality and tolerance, prevailed.

135. There are also special laws punishing acts of violence and racist behaviour that occur at cultural and sporting events. For example, article 179 of the Penal Code provides for a penalty of one to six years' imprisonment, or a fine of 20,000 francs, or both for persons inciting spectators to hatred, violence, racism or xenophobia on the occasion of a sporting event or cultural performance.

The right of access to any place or service intended for use by the general public

136. The State recognizes freedom of movement. Access to places and services intended for use by the general public (transport, hotels, restaurants, cafés, theatres, parks, etc.) is consequently unrestricted, within the limits imposed by law, and is not subject to any discrimination. Act No. 98-012 of 19 January 1998 governing relations between the administration and public-service users lays down certain principles, which include open access to public services without any discrimination, open access to administrative documents, and reception and information facilities for public service users.

137. Over and above the economic and social rights specified above, the Malian Constitution recognizes the right of every person to a healthy environment (art. 15). The Penal Code accordingly prohibits and penalizes the importation, storage, transit, sale and holding of dangerous waste (arts. 193-198).

A. Article 6

The right to protection against discrimination

138. The Constitutional Court "guarantees the fundamental rights of the human person and public freedoms". The National Advisory Commission on Human Rights, whose mission is to promote and disseminate knowledge of human rights in Mali, is responsible for drawing the Government's attention to any decisions or actions likely to promote or protect human rights. It may also recommend that the Government adopt measures to that end.

139. Many NGOs and human rights defence associations are remarkably active and effective in the field. They have organized human rights caravans and training seminars across the country to make human rights more widely known and better respected.

140. The judiciary, acting in complete independence, ensures respect for the rights and freedoms of which it is constitutionally the guardian acting through the Supreme Court and other courts. At the present time, Mali has a Supreme Court with three divisions (judicial, administrative and accounts), three courts of appeal, assize courts, courts of first instance, administrative courts, various specialized courts (labour, commerce, juvenile), and justices of the peace with wide jurisdiction. Access to courts and tribunals is free and constitutes a right for any plaintiff.

141. Despite Government efforts, the justice system is inefficient, due to inadequate infrastructures, human resources, training, documentation and financial resources, besides the lack of credibility of the judicial system itself. In order to remedy these defects, the Government has drafted a Ten-Year Programme for the Development of Justice, with a number of general objectives (entrenchment of the rule of law, the safeguarding of social peace, the promotion of development) as well as specific objectives (improved access to and effectiveness of the judicial system, restoration of credibility and the confidence of both the general population and technical and financial partners) for the period 2000-2010.

142. With regard to the activity of the courts, it has been found that close monitoring of the administration results in more effective human-rights protection. For example, the total penalties imposed on the State up to 11 July 2001 came to CFAF 18,552,183,739, of which 3,440,702,531 francs have been paid or set aside for payment, leaving 14,844,082,842 CFA francs' worth outstanding (annex 13). These fines, mostly for the benefit of workers affected by structural adjustment programmes, are being paid progressively by the Ministry of the Economy and Finance, within the limits of available funds.

143. It may be noted finally that, in the exercise of their functions, judges are subject only to the authority of the law.

B. Article 7

Education and teaching

144. Mali's education system is structured as follows:

(a) At the base: pre-school education, special education and basic teaching; the first two being extremely limited (1.5 per cent and 0.5 per cent respectively);

(b) In the middle: general secondary education and technical and vocational education;

(c) At the top: higher education, including both, the University of Mali, and the national elite schools (administration, engineering, medicine, etc.).

145. For the country as a whole (annex 4), the gross rate of schooling is 57.8 per cent, in other words, an average school attendance figure of almost three children out of five. More boys attend school than girls (68.8 per cent compared with 45.9 per cent). The District of Bamako has the highest rate of school enrolment (167.5 per cent), while the lowest rate is recorded by the Kidal region (27.5 per cent). The gross rate of school enrolment is 127.5 per cent in urban areas, compared with only 34 per cent in rural areas. School attendance of children under 7 and over 12 is substantial in urban areas, reaching levels of over 100 per cent.

146. As part of its campaign against illiteracy, the Government has intensified its promotion of national languages (see also paragraphs 152-154 below).

147. The literacy rate in the population aged 12 and over is 15.5 per cent, so that more than four out of five persons aged 12 and over cannot read or write. Illiteracy is much higher among rural populations (91.2 per cent) than in towns (67.3 per cent). Furthermore, the literacy rate for men (20.8 per cent) is twice as high as for women (10.3 per cent). It is as high as 41.7 per cent in the District of Bamako, while in the regions it varies between 9.3 per cent (Timbuktu) and 14.1 per cent (Ségou).

148. As far as level of education is concerned, about 15 per cent of the population have not gone beyond basic education, while less than 1 per cent have reached the other levels of formal education.

149. The current reform of the justice system provides for the introduction of a human rights component in the teaching syllabuses of the National Judicial Training Institute. Meanwhile, the Institute frequently provides human rights training for magistrates and court officers. Similar courses are regularly held by the Ministries in charge of defence and security, which increasingly sent whole units to participate in peacekeeping operations in the African continent.

150. In other words, where education and teaching are concerned the State has set itself fairly specific targets for speeding up the pace of educational development. Through its Ten-Year Programme for the Development of Education, it is implementing a policy aimed at achieving a school attendance rate of 75 per cent by the year 2008. Five essential objectives have been set for the Ten-Year Programme:

(a) Improving the quality of teaching (curricula, teaching methods and teaching materials);

(b) Increasing intake capacity;

(c) Improving teacher training (initial and in-post training);

(d) Improving financial and human resource management;

(e) Improving access and school enrolment (information gathering, awareness raising, communication).

151. Until such time as the Ten-Year Programme takes effect, one should appreciate the immense effort made by the Third Republic in the field of education, through better infrastructures (with new lecture rooms and more primary and secondary schools), the foundation of the University of Mali, the recruitment of part-time teachers, increases in schooling grants, and an improved status for teachers. The figures below give some idea of the progress achieved.

	1992-1993	1997-1998	1998-1999
School population	-	987 624	1 102 857
Number of classrooms	-	13 720	15 470
Number of schools	1 943	-	3 264

Culture

152. National radio and television channels reserve programme time daily for news broadcasts in national languages and presentations of the cultural and artistic heritage of the country's different ethnic groups and regions.

153. According to article 25 (para. 9), of the Constitution, "the means of promoting and officializing national languages shall be determined by law". Accordingly, since independence, Mali has made considerable efforts to describe the national languages, as the following achievements show:

(a) 13 national languages have been documented;

(b) 11 national languages have been described phonetically, phonologically, morphologically and morphosyntactically;

(c) 11 national languages have been provided with spelling rules, syllabuses, basic lexicons, and a collection of texts (from oral tradition, or popularization material on agricultural techniques, health, etc.).

All the languages described in current informal and formal use are mediums of communication and as subject matter.

154. A Language Institute has been set up under the Ten-Year Programme of Educational Development, as part of the University of Mali, with the following tasks:

(a) Contributing to the definition of linguistic policy in the educational, cultural, social and administrative fields;

(b) Identifying and promoting all national languages used in the various socio-linguistic areas of the country;

(c) Promoting cooperation with other African countries, particularly those sharing at least one language with Mali.

As part of this cooperation, the African Language Academy, established on the initiative of the Government of Mali, has been included among the institutions of the African Union.

155. When it became independent, Mali formed a national instrumental ensemble, bringing together artists from all cultural and linguistic backgrounds, which has since participated in numerous international festivals and won many awards.

156. *Sinangouya*, a kind of "brotherhood of jest", is one of the leading features of Malian culture and one of the foundations of national unity. It is a real institution, which takes precedence over all others, and which makes it possible for two or more ethnic groups, races or communities to poke fun at one another. In cases of potential conflict, this jesting helps defuse social tensions, for instance between Traoré and Diarra, Keita and Coulibaly, Sidibe and Barry, Kamate and Thera, Bobo and Peulh, Peulh and Forgeron, Bozo and Dogon, Dogon and Songhoy, etc. Through everyday jokes, they all manage to overcome social prejudices and foster understanding, tolerance and friendship between their racial and ethnic groups, and even between whole nations.

157. With this tradition behind it, on 10 December each year Mali celebrates the Universal Declaration of Human Rights through the embodiment of citizen participation, the Democratic Discussion Forum (*Espace d'interpellation démocratique*, or EID) (see also paragraphs 93 and 94 above).

Information

158. The media landscape in Mali has seen a proliferation of press publications since the establishment of democracy. Generally speaking, the press, whether public or private, written or audio-visual, expresses concern with human rights. A tribute should be paid to its courageous,

high-quality contribution to the emergence of real citizenship before and after the events of 26 March 1991, which led to the fall of the Second Republic. This is borne out by almost daily articles and reports not only on human rights but also concerning all major national issues.

159. As part of this commitment, it is worth mentioning the law reports which national radio has been broadcasting for almost a decade with the help of lawyers, as a means of introducing citizens to legal matters in general and to human rights issues in particular.

III. CONCLUSION

160. The above developments abundantly testify to the efforts made by Mali for the respect and promotion of human rights. These efforts, far from constituting a final achievement, serve to demonstrate that many other tasks remain to be accomplished. For that reason, at the Government's request, a mission from the Office of the High Commissioner for Human Rights visited Bamako from 6 to 18 October 1997 in order to assess human rights needs. Six objectives were identified by the mission:

(a) Reforming the functioning of justice;

(b) Strengthening the role of the administrative and judicial police;

(c) Reviewing prison policy;

(d) Supporting the National Advisory Commission on Human Rights and human rights defence organizations;

(e) Strengthening education in human rights and democracy;

(f) Consolidating and applying legislation on the protection of women and children.

The Government of the Republic of Mali remains open to all criticisms and/or suggestions which can help it give full effect to the provisions of the Convention on the Elimination of All Forms of Racial Discrimination.